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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

GLAS-WELD SYSTEMS, INC., an Oregon  
corporation,

Plaintiff,

v.

MICHAEL P. BOYLE, dba SURFACE  
DYNAMIX and CHRISTOPHER M. BOYLE

Defendants.

Case No. 6:12-cv-02273-AA

**PLAINTIFF'S MOTION TO STRIKE  
AFFIRMATIVE DEFENSES**

**LR 7-1(a) CERTIFICATION**

Counsel for plaintiff Glas-Weld Systems, Inc. ("Glas-Weld") certify they have conferred with defendant Michael P. Boyle ("Boyle") on the issues which are the subject of this motion. The parties have been unable to reach agreement.

## MOTION

Glas-Weld moves the Court for an order striking the second and third affirmative defenses from Defendant[']s Answers to Amended Complaint (Doc. No. 52) relating to the unenforceability of U.S. Patent Nos. 5,670,180 ("the '180 Patent") and 6,898,372 ("the '372 Patent") due to inequitable conduct and fraud.

DATED: September 13, 2013.

COSGRAVE VERGEER KESTER LLP

***/s/ Paul A. C. Berg***

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Attorneys for Plaintiff

### **CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing **MOTION TO STRIKE AFFIRMATIVE DEFENSES** on the date indicated below by:

- ☒ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☒ email
- ☒ electronic filing notification.

I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorneys at the addresses listed below:

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**(ELECTRONIC FILING NOTIFICATION)**

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Of Attorneys for Defendant Pro Se

**(EMAIL, US MAIL & ELECTRONIC FILING NOTIFICATION)**

DATED: September 13, 2013.

**/s/ Paul A. C. Berg**

Robert E. Barton  
Paul A. C. Berg